UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,690	08/31/2001	Takashi Hasegawa	H-990	9330

24956 7590 04/06/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER	
HA, LEYNNA A	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/942,690	HASEGAWA, TAKASHI	
	Examiner	Art Unit	
	LEYNNA T. HA	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 have been re-examined and are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 22, 2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuno, et al. (US 6,584,552).

As per claim 1:

Kuno discloses a broadcasting method comprising the steps of:

broadcasting contents from a broadcaster along with a begin store command in a first time period to a receiving side, said begin store command causing said contents to be stored onto a storage medium at a receiving side; and **(col.20, lines 10-13 and 17-19)**

broadcasting a play command from a broadcaster in a second time period subsequent to said first time period to a receiving side after broadcasting the contents **(col.21, lines 47-48 and 56-57)**, said play command causing said contents stored on said storage medium to be retrieved therefrom for output of the contents. **(col.21, lines 45-46 and 59-67; Kuno teaches that the broadcasting command is first to send a reception start command from the controller of the broadcaster (col.20, lines 10-12) wherein the record command is received (col.20, lines 64-65) and next, is the**

play command (col.21, lines 44-45) wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted subsequent to the first time period after broadcasting the contents.)

As per claim 2: **See col.19, lines 53-67;** discussing contents broadcast in said first time period are encrypted, and wherein said play command broadcast in said second time period includes a decryption key for decrypting the encrypted contents.

As per claim 3: **See col.5, lines 20-26 and col.19, lines 1-30;** discussing contents broadcast in said first time period includes an identifier identifying said contents, and wherein said play command broadcast in said second time period include an identifier allowing said contents to be retrieved from said storage medium for output.

As per claim 4: **See col.18, lines 43-46 and 21, lines 49-50;** discussing contents broadcast in said first time period include an end store command for terminating the storing of said contents onto said storage medium.

As per claim 5:

Kuno discloses a broadcast receiver comprising:

a receiver which receives contents broadcast from a broadcaster in a first time period along with a begin store command causing said contents to be stored **(col.20, lines 10-13 and 17-19)**, and then receives a play command broadcasted from a broadcaster in a second time period subsequent to said first time period, said play command causing the stored contents to be retrieved for output; **(col.21, lines 47-48 and 56-57)**

a storage medium which stores said contents received; and **(col.20, lines 17-19)**

a processor which stores said contents onto said storage medium in accordance with the received begin store command **(col.20, lines 3-4)** and for retrieving said contents from said storage medium for output when said processor finds the play command is received. **(col.21, lines 45-46 and 59-67; Kuno teaches that the broadcasting command is first to send a reception start command from the controller of the broadcaster (col.20, lines 10-12) wherein the record command is received (col.20, lines 64-65) and next, is the play command (col.21, lines 44-45) wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted subsequent to the first time period after broadcasting the contents.)**

As per claim 6: **See col.19, lines 53-67;** discussing contents broadcast in said first time period are encrypted, wherein said play command broadcast in said second time period includes a decryption key for decrypting the encrypted contents, and wherein said processor retrieves the encrypted contents from said storage medium and decrypts the retrieved contents for output.

As per claim 7: **See col.5, lines 20-26 and col.19, lines 1-30;** discussing contents broadcast in said first time period and stored on said storage medium include a first identifier identifying said contents, wherein said play command includes a second identifier, and wherein said processor retrieves for playback said contents stored on said storage medium along with said first identifier if said first identifier coincides with

said second identifier included in said play command.

As per claim 8: **See col.18, lines 43-46 and 21, lines 49-50;** discussing contents broadcast in said first time period include an end store command for terminating the storing of said contents onto said storage medium, and wherein said processor terminates the storing of said contents onto said storage medium the moment said end store command is received.

As per claim 9: **See col.19, lines 53-67;** discussing processor stores the received decryption key into a memory and deletes said decryption key from said memory after decrypting the encrypted contents using said decryption key.

As per claim 10:

Kuno discloses a broadcasting method comprising the steps of:

broadcasting contents to be stored onto a storage medium at a receiving side in the first time period; and **(col.20, lines 10-13 and 17-19)**

broadcasting a play command from the broadcaster in a second time period subsequent to said first time period to the receiving side after broadcasting the contents **(col.21, lines 47-48 and 56-57)**, said broadcasting play command causing said contents stored on said storage medium to be output for playing. **(col.21, lines 45-46 and 59-67; Kuno teaches that the broadcasting command is first to send a reception start command from the controller of the broadcaster (col.20, lines 10-12) wherein the record command is received (col.20, lines 64-65) and next, is the play command (col.21, lines 44-45) wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21,**

lines 63-67). Therefore, Kuno teaches the play command is broadcasted subsequent to the first time period after broadcasting the contents.)

As per claim 11:

Kuno discloses a program stored on a computer readable storage medium executing a contents playback method on a computer, comprising instructions of:

finding a begin store command in a broadcast, **(col.20, lines 64-65)**

storing contents subsequent to said broadcasted begin store command in a storage medium at the receiving side, **(col.20, lines 10-13 and 17-19)**

finding a play command in a broadcast, said broadcasted play command including an identifier which identifies contents broadcasted beforehand and store in said storage medium, **(col.20, lines 30-34 and col.21, lines 47-48 and 56-57)**

playing contents identified with said broadcasted play command, from said storage medium when said broadcasted play command is found in the broadcast. **(col.21, lines 45-46 and 59-67; Kuno teaches that the broadcasting command is first to send a reception start command from the controller of the broadcaster (col.20, lines 10-12) wherein the record command is received (col.20, lines 64-65) and next, is the play command (col.21, lines 44-45) wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted subsequent to the first time period after broadcasting the contents.)**

As per claim 12: **See col.4, lines 29-30 and col.7, lines 13-15;** discussing contents are encrypted, and said play command includes a decryption key for decrypting the encrypted contents, and wherein said step for playing includes a step for decrypting the contents before playing.

As per claim 13: **See col.4, lines 9-24;** discusses finding an end store command in a broadcast; and terminating the storing of contents onto said storage medium in response to said end store command is received.

As per claim 14: **See col.7, lines 55-58;** discusses deleting said decryption key after decrypting the encrypted contents.

Response to Arguments

Kuno teaches that the broadcasting command is first to send a reception start command from the controller of the broadcaster (col.20, lines 10-12) wherein the record command is received (col.20, lines 64-65) and next, is the play command (col.21, lines 44-45) wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted subsequent to the first time period after broadcasting the contents.

Applicant argues that the start command is not included the broadcasting signal. The starts command is sent from the broadcasting station wherein the command is the signal sent. When broadcasting to another destination, it is in the form of signals. Innuendo, that the start command is not a signal from the broadcasting station as applicant claims, the claims fails limit any commands is included in the broadcasting signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HOSUK SONG
PRIMARY EXAMINER

LHa